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ATTORNEY DOCKET NUMBER: 2002834-0069

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sampson, et al. Examiner:
Serial No.: 09/989,658 Art Unit: 1632
Filing Date: November 20, 2001
Title: ANIMAL MODEL OF ALLERGIES

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

Sir:

TRANSMITTAL LETTER

Enclosed are the following documents:

1. Form PTO-1449 (6 pages);
2. Information Disclosure Statement (5 pages);
3. Return Postcard

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,

C. Hunter Baker, M.D., Ph.D.
Registration No. 46,533

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Exchange Place
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Dated: 7/26/02

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I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231
on September 26, 2002

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For: ANIMAL MODEL OF ALLERGIES

Examiner:
Art Unit: 1632

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

Sir:

STATEMENT FILED PURSUANT TO THE DUTY OF DISCLOSURE
UNDER 37 C.F.R. §§1.56, 1.97 AND 1.98

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants respectfully request consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

(Select A, B or C below)

A. ☐ This Information Disclosure Statement has been filed:

(check 1, 2 and/or 3 below)

1. ☐ within three months of the filing date of the above identified U.S. Patent application;
2. ☐ within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International application; and/or
3. ☒ before the mailing date of the first Office Action on the merits in the above-identified application.

No fee or certification is required.

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- B. ☐ This Information Disclosure Statement has been filed more than three months after the filing date of the present application and after the mailing date of a first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.

(check 1 or 2 below)

1. ☐ The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed; or
2. ☐ Applicants hereby certify, as specified in 37 C.F.R. §1.97(e), that (check a or b below)
 - a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement; or
 - b. ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

- C. ☐ This Information Disclosure Statement has been filed after the mailing date of either a Final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and before payment of an Issue Fee.

(check 1, 2, and 3 below)

1. ☐ The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that: (check a or b below)
 - a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.

- b. ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.
2. ☐ A Petition requesting consideration of the Information Disclosure Statement is attached.
3. ☐ The Petition Fee of \$130 as set forth in 37 C.F.R. §1.17(i)(1) is enclosed.

PART II - Information Cited

- A. ☒ The Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.
- B. ☐ The Applicant hereby makes the following additional information of record in the above-identified application:

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

- A. ☐ The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):
- B. ☐ The following are remarks concerning the other information cited:

PART IV: Remarks

- A. ☒ Copies of references
(check 1 or 2 below)
1. ☐ A copy of each of the references cited on the attached form PTO-1449 (modified) is enclosed;
 2. ☒ Copies of the references cited on the attached form PTO-1449 (modified) are not enclosed because each of these references (indicated by asterisk) was previously cited by or submitted to the Office in a prior application, (U.S. Serial No. 09/518,346, filed March 3, 2000), which prior application is relied upon for an earlier filing date under 35 U.S.C. § 120.
- B. ☒ It is respectfully requested that:
(check 1, 2, and 3 below)
1. ☒ The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
 2. ☒ The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application;
 3. ☒ The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.
- C. ☒ By submitting this Information Disclosure Statement, Applicants make no representation that a search has been performed, of the extent of any search performed, or that more material information may not exist.

- D. [X] By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).
- E. [X] By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.
- F. [X] Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

An early and favorable action is hereby requested. Please charge any additional fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,



C. Hunter Baker, M.D., Ph.D.
Reg. No. 46,533

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C. Hunter Baker

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INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Applicant: Sampson, *et al.*Filing Date:
November 20, 2001Group:
1632

U.S. PATENT DOCUMENTS

Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass
	*4,696,915	Horecker	September 29, 1987	514	21
	*5,026,545	Saint-Remy, <i>et al.</i>	June 25, 1991	424	85.8
	*5,558,869	Burks <i>et al.</i>	September 24, 1996	424	276.1
	*5,830,877	Carson <i>et al.</i>	November 3, 1998	514	44
	*5,945,576	Parker <i>et al.</i>	August 31, 1999	800	9

U.S. PATENT APPLICATIONS

Examiner's Initials:	Serial Number:	Applicant:	Filing Date:	Group:	Art Unit:
	*60/124,595	Sosin <i>et al.</i>	March 16, 1999		
	*60/125,071	Sosin <i>et al.</i>	March 17, 1999		
	*60/169,330	Caplan	December 6, 1999		
	*09/090,375	Caplan <i>et al.</i>	June 4, 1998		
	*09/141,220	Bannon <i>et al.</i>	August 27, 1998		
	*09/216,117	Sosin <i>et al.</i>	December 18, 1998		
	*09/240,557	Porter <i>et al.</i>	January 29, 1999		
	*09/247,406	Caplan	February 10, 1999		
	*09/290,029	Bottomly <i>et al.</i>	April 9, 1999		
	*09/339,068	Dekruyff <i>et al.</i>	June 23, 1999		
	*09/455,294	Bannon <i>et al.</i>	December 6, 1999		
	*09/478,668	Bannon <i>et al.</i>	January 6, 2000		

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Document No.	Country	Date	Translation	
				Yes	No
	*JP 03048155	Japan	March 1991		
	*JP 06030674	Japan	June 1994		
	*JP 07008141	Japan	July 1995		
	*JP 07163270	Japan	July 1995		
	*WO 96/02555	PCT	February 1, 1996		
	*WO 97/24139	PCT	July 10, 1997		

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	*WO 98/18810	PCT	May 7, 1998		
	*WO 98/16247	PCT	April 23, 1998		
	*WO 98/40100	PCT	September 17, 1998		
	*WO 99/38978	PCT	August 5, 1999		

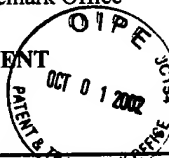
OTHER DOCUMENTS

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	*Atkins, <i>et al.</i> , "Evaluation of Immediate Adverse Reactions to Foods in Adult Patients. I. Correlation of Demographic, Laboratory, and Prick Skin Test Data with Response to Controlled Oral Food Challenge" <i>J. Allergy Clin. Immunol.</i> 75:348-355, 1985.
	*Becker, <i>et al.</i> , "Mast Cell Heterogeneity in Dog Skin" <i>The Anatomical Record</i> , 213: 477-480, 1985.
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	*Bock, <i>et al.</i> "The Natural History of Peanut Allergy" <i>J. Allergy Clin. Immunol.</i> 83:900-904, 1989.
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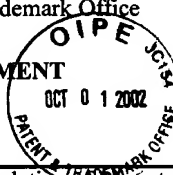
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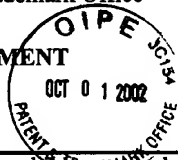
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Form PTO-1449 (REV. 8-83)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket: 2002834-0069	In re Application No. 09/989,658
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		Applicant: Sampson, <i>et al.</i>	
		Filing Date: November 20, 2001	Group: 1632
EXAMINER		DATE CONSIDERED	
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

*Asterick indicates submitted with parent application no.: 09/518,346, (Sampson, et al.)

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